

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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March 6, 2023

The Honorable Steven Dettelbach
Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
Washington, DC 20226

Dear Director Dettelbach:

The Committee on the Judiciary continues to conduct oversight of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). We have written the ATF with several requests for information and documents regarding the agency's efforts to regulate firearms through the rulemaking process. We have additional questions, for which we write to request testimony from relevant ATF employees.

The ATF's lack of transparency comes after the agency issued a final rule banning stabilizing pistol braces,¹ and as the agency continues to shut down lawful businesses through the "zero-tolerance" policy for federal firearms dealers (FFLs).² Just last year, the United States Supreme Court held in *West Virginia v. Environmental Protection Agency* that under the major questions doctrine, "given both separation of powers principles and a practical understanding of legislative intent, the agency must point to 'clear congressional authorization' for the authority it claims."³ This ruling raises serious doubts about ATF's ability to regulate pistol braces absent a clear mandate from Congress.

To advance the Committee's oversight, we would invite you to testify during a hearing of the Committee on Wednesday, April 26, 2023, at 10:00 a.m. This hearing will be an opportunity for the Committee to hear directly from you, as the head of the agency, about the decisions that led the ATF to implement these controversial policies. In addition, this hearing will allow Members to learn more about the reversal of years of previous ATF opinions in regulating firearms with stabilizing braces.

¹ Factoring Criteria for Firearms With Attached "Stabilizing Braces," 88 FR 6478, (Jan. 31, 2023).

² Houston Keene, *Internal ATF docs show 'zero tolerance' guidelines for shutting down gun stores*, FOX NEWS (Feb. 10, 2023).

³ *West Virginia v. EPA*, 597 U.S. ____ (2022), citing *Utility Air Regulatory Group v. EPA*, 573 U. S. 324 (2014).

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Additionally, in order to advance the Committee's ongoing oversight responsibilities, we require testimony from ATF employees. We ask that you please make the following ATF employees available for transcribed interviews:

1. Daniel Board, Chief of Staff;
2. Justin O'Connell, Acting Assistant Director, Public & Government Affairs; and
3. Megan Bennett, Deputy Assistant Director.

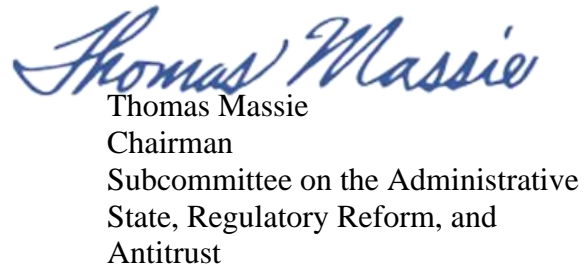
Please direct your staff to confirm your appearance before the Committee and begin to schedule these interviews as soon as possible, but no later than 5:00 p.m. on March 13, 2023.

The Committee on the Judiciary is authorized to conduct oversight of the Bureau of Alcohol, Tobacco, Firearms and Explosives pursuant to the Rules of the House of Representatives.⁴ If you have any questions and to schedule these requests, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



Thomas Massie
Chairman
Subcommittee on the Administrative
State, Regulatory Reform, and
Antitrust

cc: The Honorable Jerrold L. Nadler, Ranking Member
The Honorable David Cicilline, Ranking Member, Subcommittee on the Administrative
State, Regulatory Reform, and Antitrust

⁴ Rules of the U.S. House of Representatives, R. X (2023).